

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

WILLIAM D. WILLIAMS,

Plaintiff,

V.

E.A. STEPP, et al.,

Defendants.

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Civil No. **03-824-MJR**

ORDER

PROUD, Magistrate Judge:

Before the Court is plaintiff's motion for summary judgment. **(Doc. 92)**. Plaintiff's motion is premised entirely upon his requests for admission propounded on or about October 23, 2006, but which were not responded to. Federal Rule of Civil Procedure 36(a) dictates that a request for admission that is not responded to within 30 days is deemed admitted. Although plaintiff does not attach the request for admissions, the Court observes that a copy of the request is attached to plaintiff's motion to compel **(Doc. 93)**.

Defendants respond that the request for admissions was improper, in that plaintiff never filed it with the Court, as required by Local Rule 26.1(b)(1). **(Doc. 96)**.

By separate order, the Court has already explained that the request for admissions is, in effect, null and void, due to plaintiff's failure to comply with Local Rule 26.1(b)(1). Accordingly, plaintiff's motion to compel **(Doc. 93)**, which was construed as including a request to declare the request for admission deemed admitted **was** denied.

Local Rules 7.1(c) and (d) dictate that a motion for summary judgment be supported with citations to relevant legal authority and to the record; allegations not properly supported may not

be considered. Because plaintiff's motion is premised entirely upon his request for admissions, which is null and void due to a procedural misstep on his part, his motion for summary judgment fails to comply with Local Rule 7.1(c) and (d).

IT IS THEREFORE ORDERED that, for the aforesated reasons, plaintiff's motion for summary judgment (**Doc. 92**) is **STRICKEN** for failure to comply with Local Rule 7.1(d).

IT IS SO ORDERED.

DATED: February 16, 2007

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE